

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. 102 as being anticipated by Fukuda (5125217) and claim 3 was rejected under U.S.C. 103 over Fukuda. It is well settled that rejection of a claim under 35 U.S.C. 102 is justified only if a single reference describes every inventive element of the rejected claim. Since Fukuda does not describe every inventive element of independent claim 1, it should be concluded that the Examiner should withdraw the rejection of claims 1, 2, 4 and 5 on the anticipation ground.

Explained more in detail, Fukuda does not disclose any "air cylinder for controlling compressive force with which said heater unit at said sealing position compresses said film against said chute by having air of a specified pressure supplied thereto". Although the Examiner states in Paragraph 2 of the Official Letter that Fukuda discloses a heater drive unit 45 and an air cylinder 78 and Fukuda's air cylinder 78 serves to move the heater (column 8, lines 16-18 and 22-24), Fukuda does not disclose any mechanism for adjusting the compressive force by another pressure different from the pressure for moving the heater. Thus, the Examiner is in error in stating that Fukuda describes "an air cylinder 78 for controlling the compressive force of the heater unit 55 and film S".

The Examiner also states in Paragraph 4 of the Official Letter that Fukuda admits in column 8 at lines 34-36 that "different combinations of motion-communicating and torque-communicating means can be substituted," but the "torque" in this context means the torque for starting to move the heaters against resistance such as friction, not the torque for controlling the seal pressure.

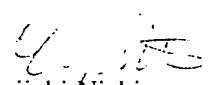
The Examiner finally states in Paragraph 4 that it would have been obvious to substitute an additional air cylinder in place of screw axis 59, but the turnbuckle 46 and the screw 59 are adapted to move together. It does not make sense to replace only the screw 59 by an air cylinder.

In view of the above, it is believed that Fukuda cannot predicate the Examiner's rejection even on the ground of obviousness, much less on the ground of anticipation. In order to expedite the prosecution, however, claim 2 is herein rewritten in an independent form, incorporating all of the limitations in claim 1 from which it depends. New dependent claims dependent from amended claim 2 are added, corresponding to claims 3-5 which depend from claim 1. This is only for the purpose of more clearly distinguishing the present

invention form Fukuda. Applicant believes that the application has already been in condition for allowance.

Attached hereto is a marked-up version of the changes made to the specification by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted.



Keiichi Nishimura
Registration No. 29,093

April 29, 2002
BEYER WEAVER & THOMAS, LLP
P.O. Box 778
Berkeley, CA 94704-0778
Telephone: (510) 843-6200
Telefax: (510) 843-6203

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 2 has been amended as follows:

2. (Amended) ~~The A~~ packaging machine of ~~claim 1~~ further comprising:
a cylindrical chute;
means for bending an elongated bag-making film into a tubular form around said chute by mutually overlapping side edges of said film;
a heater unit for longitudinally sealing said mutually overlapping side edges of said film;
heater driving means for moving said heater unit between a sealing position at which said heater unit contacts said film and a retracted position at which said heater unit is separated from said chute;
an air cylinder for controlling compressive force with which said heater unit at said sealing position compresses said film against said chute by having air of a specified pressure supplied thereto; and
pressure regulating means for regulating air pressure supplied to said air cylinder to a specified pressure level; and
a controller for controllingly varying said specified pressure level.